

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

DENNIS LARSON LOOP,

Civil No. 05-574 (JRT/FLN)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF
MAGISTRATE JUDGE**

STATE OF MINNESOTA,
MINNESOTA STATE PATROL, *et al.*,

Defendants.

Dennis Larson Loop, 3245 42nd Avenue South, Minneapolis, MN 55406,
pro se plaintiff.

Toni A. Beitz, Assistant County Attorney, **OFFICE OF THE HENNEPIN
COUNTY ATTORNEY'S OFFICE**, 2000 Court Towers, 300 South Sixth
Street, Minneapolis, MN 55487, for defendants.

Plaintiff Dennis Larson Loop brought this lawsuit against defendants State of Minnesota, Minnesota State Patrol, Hennepin County, Hennepin County Sheriff's Department, City of Minneapolis, Minneapolis Police Department, Hennepin County Deputy Sheriff Jeff Burchett, and five other deputy sheriffs. Plaintiff argues that his freedom of religion was violated when 3.3 grams of marijuana were seized from him when deputy sheriffs executed a warrant to search his home.

On December 14, 2005, this Court adopted the Report and Recommendation of the Magistrate Judge and dismissed this case as to Hennepin County, Hennepin County Sheriff's Department, and Deputy Burchett. The remaining defendants were never served with a summons or complaint. In addition, plaintiff's amended complaint only

mentions Hennepin County, Hennepin County Sheriff's Department, and Deputy Burchett. In a Report and Recommendation dated October 10, 2006, United States Magistrate Judge Franklin L. Noel recommended that this case be closed.

This matter is now before the Court on plaintiff's objections to the Report and Recommendation. The Court conducted a *de novo* review of plaintiff's objections pursuant to 28 U.S.C. § 636(b)(1)(C) and D. Minn. LR 72.2(b), and for the reasons set forth below, overrules plaintiff's objections and adopts the Report and Recommendation.

Plaintiff argues in his objection the merits of his amended complaint, and expresses a desire to pursue a claim against the City of Minneapolis and its police department. However, plaintiff concedes that none of the defendants remaining in this case was served. Moreover, plaintiff failed to allege in his amended complaint any misconduct by the remaining defendants. As such, the Court agrees with the Magistrate Judge that this case must be dismissed without prejudice with respect to all defendants.

ORDER

Based on the foregoing, all the records, files, and proceedings herein, the Court **OVERRULES** defendant's objection [Docket No. 51] and **ADOPTS** the Magistrate Judge's Report and Recommendation [Docket No. 49]. Accordingly, **IT IS HEREBY ORDERED** that this case is closed.

DATED: December 29, 2006
at Minneapolis, Minnesota.

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge